

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE * ZONING COMMISSIONER
N/S Halesworth Road, 150 ft. E * OF BALTIMORE COUNTY
of c/o of York Railroad *
10 Halesworth Rd. aka 10111 York Rd *
8th Election District * CASE # 91-187-XA
3th Councilmanic District
Julius Mandel, Legal Owner
Sports Development Corp., Lessee *
Petitioner *****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a Petition for Special Exception and under Section 423.C of Baltimore County Zoning Regulations (B.C.Z.R.), permission for an arcade and, pursuant to the Petition for Zoning Variance, a variance from Section 409.8.A.(4) to allow parking spaces 5 ft. from the street right-of-way line in lieu of the required 10 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, by David R. Shapiro, appeared, testified and was represented by Edwin Shapiro, Esquire. Appearing on behalf of the Petition was Barry Shapiro, Esquire and William P. Monk, Professional Land Planner. Appearing as a Protestant was Frank Workman on behalf of the Monterey Improvement Association.

Testimony indicated that the subject property known as the 10111 York York Road, consists of 2.24 acres +/-, zoned M.L., and is currently improved with a commercial indoor recreational facility.

Mr. David Shapiro, President, of the Sports Development Corporation is desirous of operating the subject sports/arcade facility which includes miniature golf, batting cages, golf range, arcade games and refreshment stand. Mr. Shapiro testified that the facility is open 7 days a week, 11:00 A.M. to 11:00 P.M. Monday thru Thursday, 10:00 A.M. to Midnight on

Friday, 9:00 A.M. to Midnight on Saturday and 10:00 A.M. to 10:00 P.M. on Sunday.

Mr. Shapiro testified that he permits absolutely no loitering on the grounds or within the facility and he personally polices this site with the help of his staff.

Mr. William Monk, Professional Land Planner, described in detail the location of the requested variance and the location of the proposed landscaping. Mr. Monk testified that in addition to the existing and proposed landscaping, the Petitioner has installed a wooden privacy fence to assist in buffering the subject use from the adjoining properties. Mr. Monk also testified that the variance is needed to avoid offsite parking and that, in his opinion, the requested relief is consistent with the requirements of Sections 307.1 and 502.1 of the B.C.Z.R.

Mr. Frank Workman, a Protestant, appeared on behalf of the Monterey Improvement Association and testified that he was concerned with the traffic congestion currently experienced by this community and the impact that the Petitioner's proposal would have on same. Mr. Workman also testified that he was concerned with the safety of pedestrians walking on the north side of Halesworth Road once the proposed parking lot is constructed. Additionally, Mr. Workman indicated that he would like to see evergreen type trees planted along the site to screen the residential properties.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the

-2-

particular location, described by Petitioner's Exhibit 1, would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A2d 1319 (1981). The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R. Additionally, it is clear that the B.C.Z.R. permits the use proposed in an M.L. zone by special exception.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted, as requested.

Additionally, the Petitioner has requested the aforementioned variance relief.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App.

28 (1974).

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It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that the Petitioner would suffer a practical difficulty or unreasonable hardship if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

After reviewing all of the testimony and evidence presented, it appears that the Special Exception and Variance relief should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 2nd day of February, 1991 that a Petition for Special Exception to permit an arcade, in accordance with the Petitioner's Exhibit No. 1, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a Petition for Zoning Variance from Section 409.8.A.(4) to allow parking spaces 5 ft. from the street right-of-way line in lieu of the required 10 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the foregoing relief:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever

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reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmm
cc: Peoples Counsel

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 21, 1991

Edwin Shapiro, Esquire
28 Allegheny Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
Case #91-187-XA
Sports Development Corp., Lessee
Julius Mandel, Legal Owner

Dear Mr. Shapiro:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
att.
cc: Peoples Counsel
cc: David R. Shapiro, Esquire
cc: William Monk
cc: Frank Workman

REVISED PLANS
#138
PETITION FOR SPECIAL EXCEPTION
RECEIVED OCT 2 1991
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an arcade pursuant to Section 423.C (RCZR).
(See attached description) **91-187-XA**

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Lessee: <u>Sports Development Corp.</u> <u>David Shapiro, President</u> (Type or Print Name) Signature <u>10 Halesworth Road</u> Address <u>Cockeysville, MD 21030</u> City and State Attorney for Petitioner: <u>Edwin Shapiro</u> (Type or Print Name) Signature <u>28 Allegheny Avenue, Suite 701</u> Address <u>Towson, Maryland 21204</u> City and State Attorney's Telephone No.: <u>301-828-7090</u>	Legal Owner(s): <u>Julius Mandel</u> (Type or Print Name) Signature (Type or Print Name) Signature P.O. Box 5991 Address Phone No. <u>Baltimore, MD 21208</u> City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted <u>William P. Monk</u> Name <u>100 W. Pennsylvania Ave., Suite 305</u> <u>Towson, MD 21204</u> Address Phone No.
--	--

ORDERED By The Zoning Commissioner of Baltimore County, this 16 day of Oct, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16 day of Jan, 1991, at 10:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ZGO-No. 1

(over)

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

The applicant wishes to house amusement devices, which are to be located within the existing building. The existing operation, known as "Sports," provides sport-related family entertainment and recreational facilities. Included are: an 18-hole miniature golf course, golf driving range, batting cages, and both sport related and non-sport related amusement devices.

The total building area is 38,364 square feet of which the amusement devices comprise only 3,150 square feet, this is 12.18%.

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

PROPOSED PARKING AREA



VIEW FROM

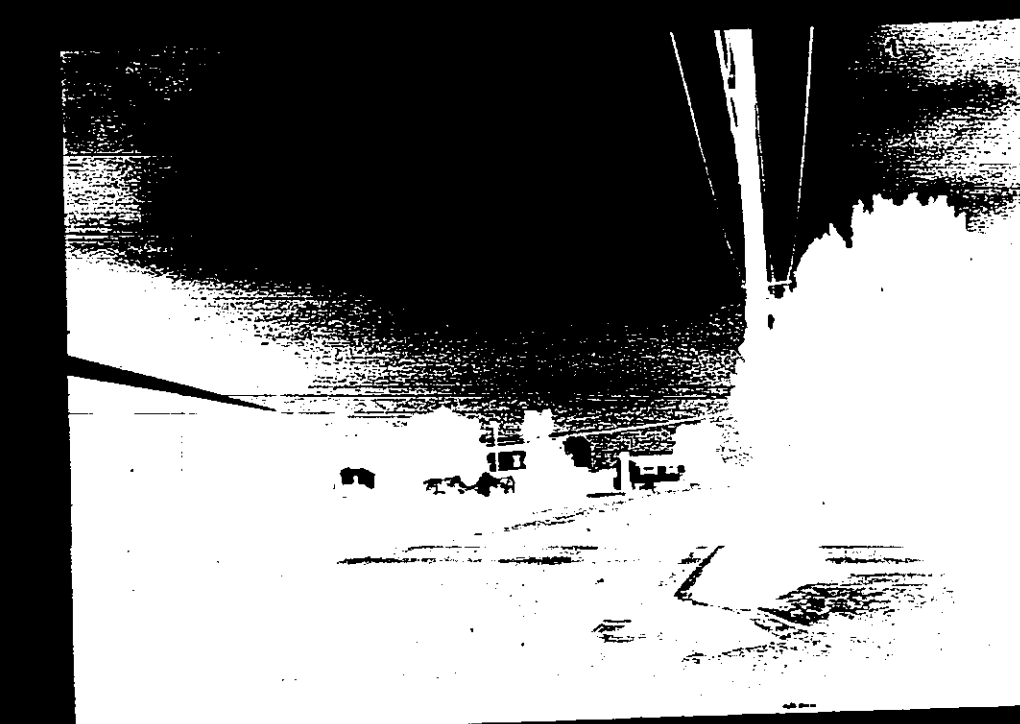
EXISTING LOT

PETITIONER'S
EXHIBIT 12

VIEW FROM

HALESWORTH

91-187XA

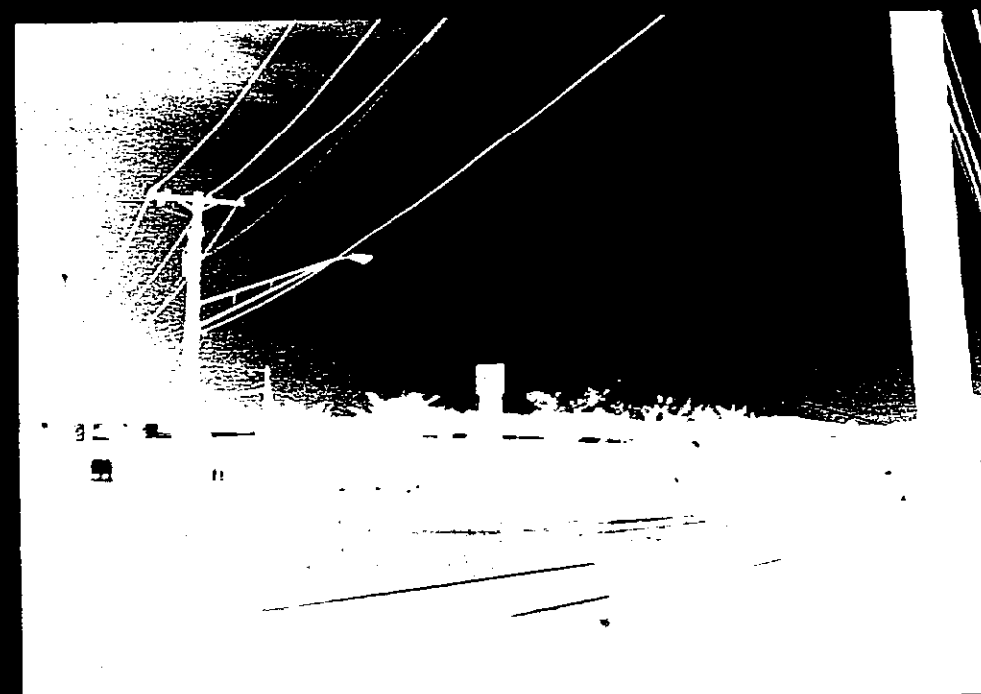


CAMPBELL BUILDING
100 W. PENNSYLVANIA AVENUE
Suite 305
TOWSON, MD 21204
301-494-8931

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

LANDSCAPING TREATMENT



91-187XA

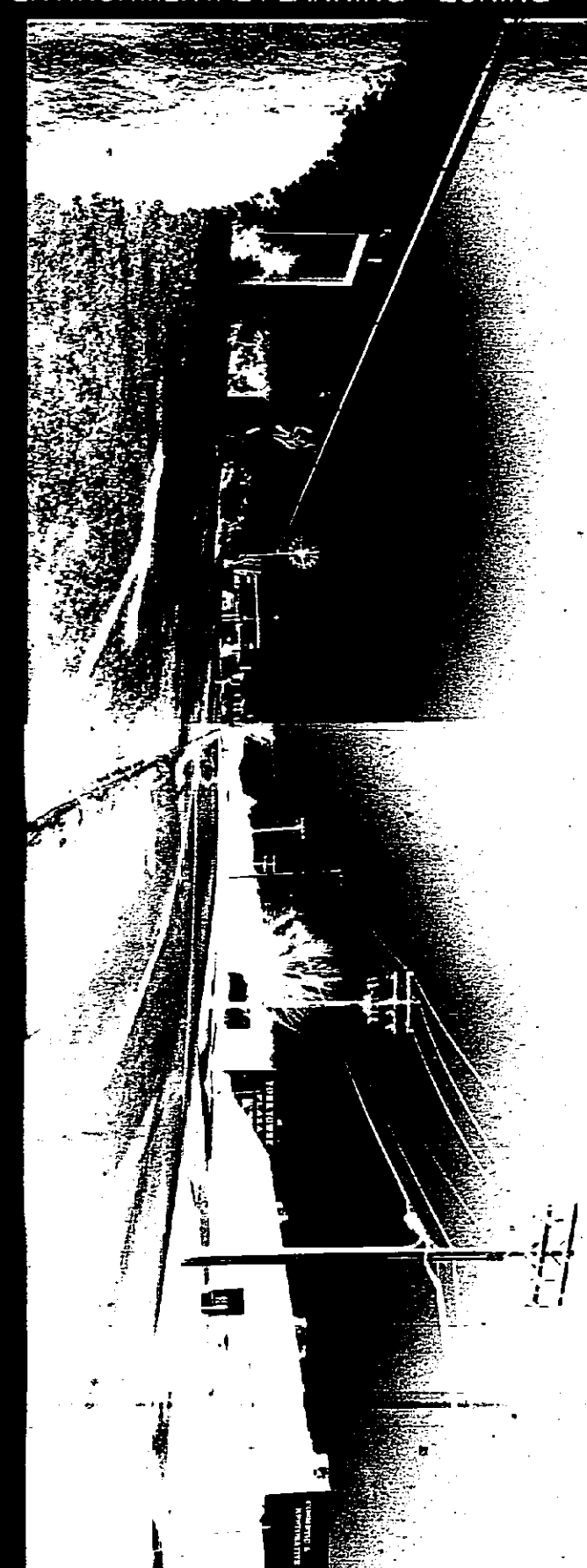
PETITIONER'S
EXHIBIT 13



CAMPBELL BUILDING
100 W. PENNSYLVANIA AVENUE
Suite 305
TOWSON, MD 21204
301-494-8931

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



VIEW LOOKING EAST

PETITIONER'S
EXHIBIT 14
91-187XA

CAMPBELL BUILDING
100 W. PENNSYLVANIA AVENUE
Suite 305
TOWSON, MD 21204
301-494-8931

WILLIAM MONK, INC.

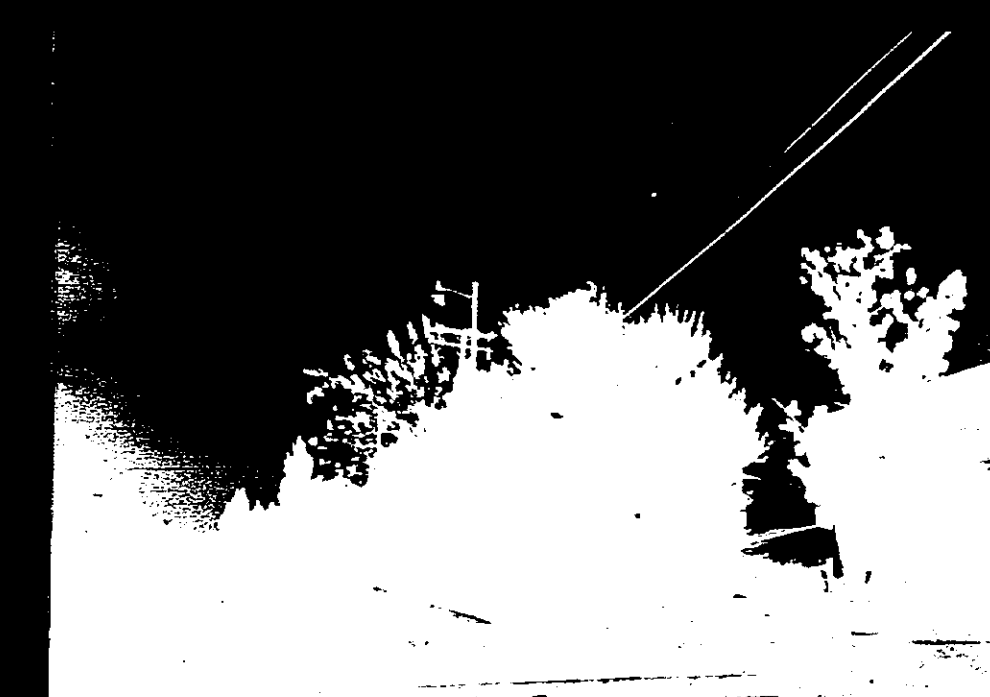
LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

WOOD STOCKADE FENCE (REMOVED)



PETITIONER'S
EXHIBIT 15

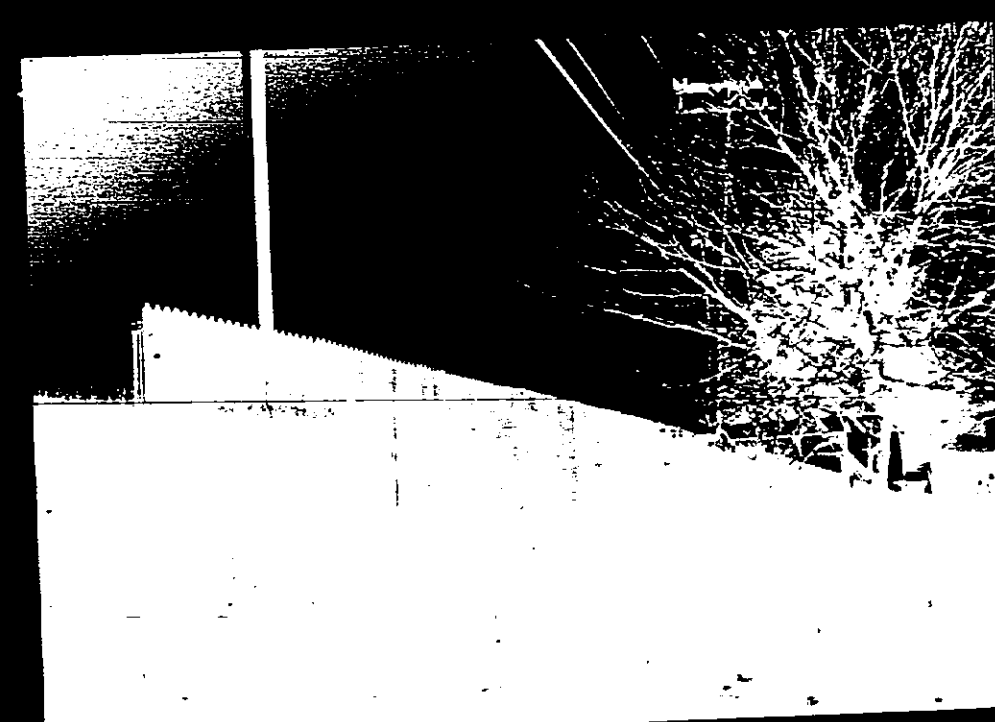
91-187XA



WILLIAM MONK, INC.

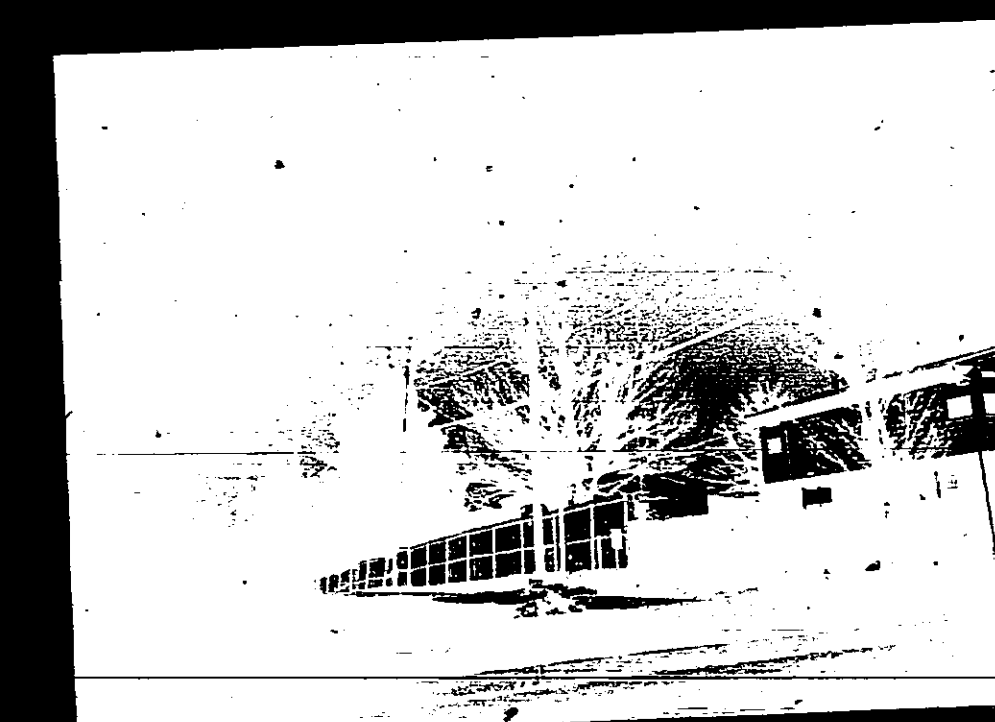
LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

NEW FENCE



PETITIONER'S
EXHIBIT 16

91-187XA



SPORTS, INC.
10 HALESWORTH ROAD
BALTIMORE COUNTY, MARYLAND
CASE # 91-187 XA

REVISED PARKING SCHEDULE

		REQUIREMENT	
* GOLF DRIVING RANGE	(3 TEES)	1.5 SPACES/TEE	= 5
* BATTING STATIONS	(8 STATIONS)	1.5 SPACES/STATION	= 12
* MINIATURE GOLF	(18 TEES/HOLES)	1.5 SPACES/TEE	= 27
* OFFICE SPACE	(300 SQ. FT.)	3.3 SPACES/1000 SQ. FT.	= 1
* ARCADE AREA	(1,500 SQ. FT.)	4 SPACES/1000 SQ. FT.	= 6

TOTAL REQUIRED = 51 SPACES

TOTAL PROVIDED = 60 SPACES

INITIAL APPROVED PLAN (1971) SHOWED 49 SPACES WITH ADDITIONAL AREA LEFT OVER TO PICK UP 2 ADDITIONAL SPACES WHICH MEET ALL REQUIREMENTS OF SECTION 409.4.C BCZR.

PETITIONER'S
EXHIBIT 19

91-187XA

A(WPM-6):WP51\HALESFRC.SCH

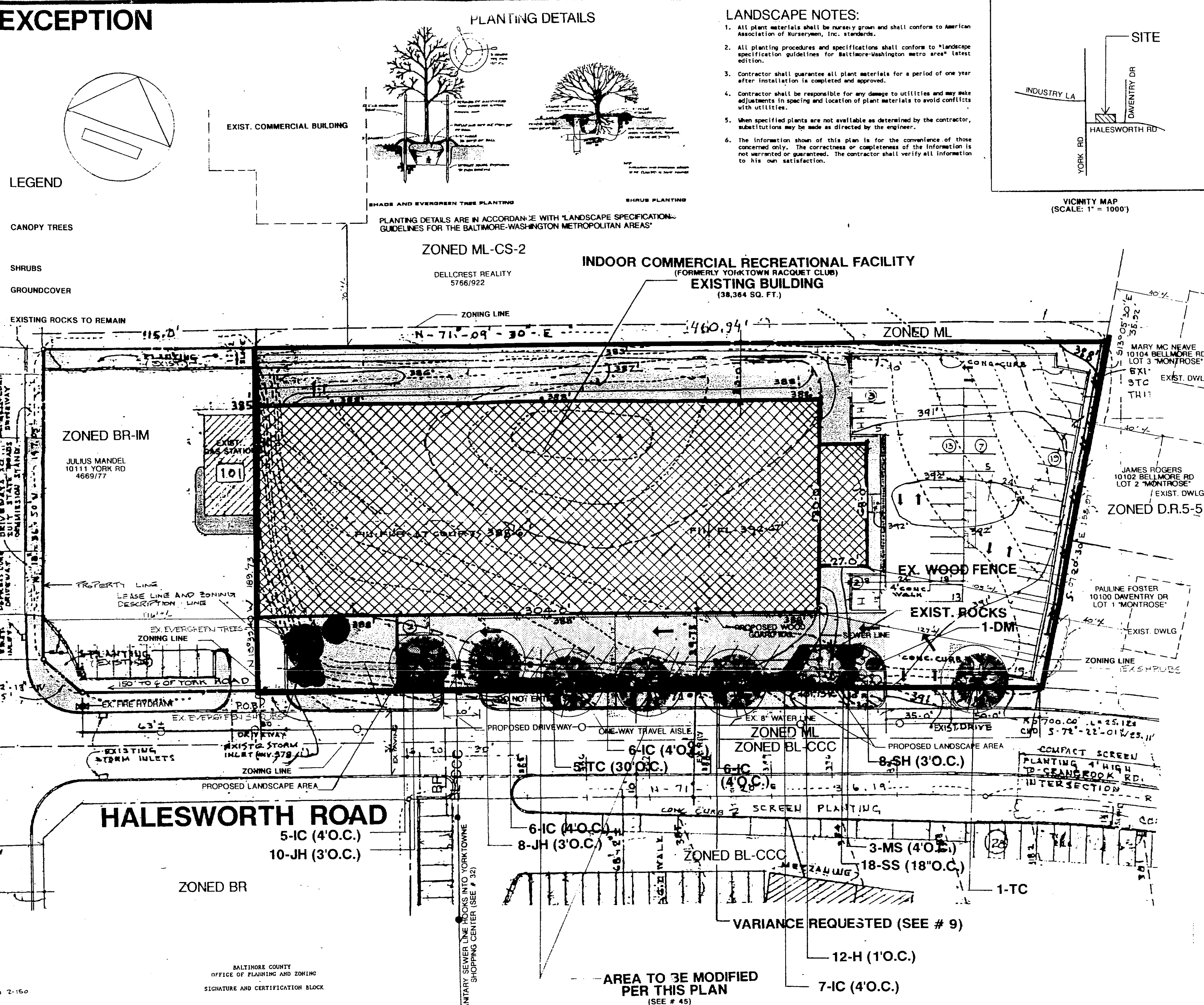
PLAN TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE APPLICATION

NOTES:

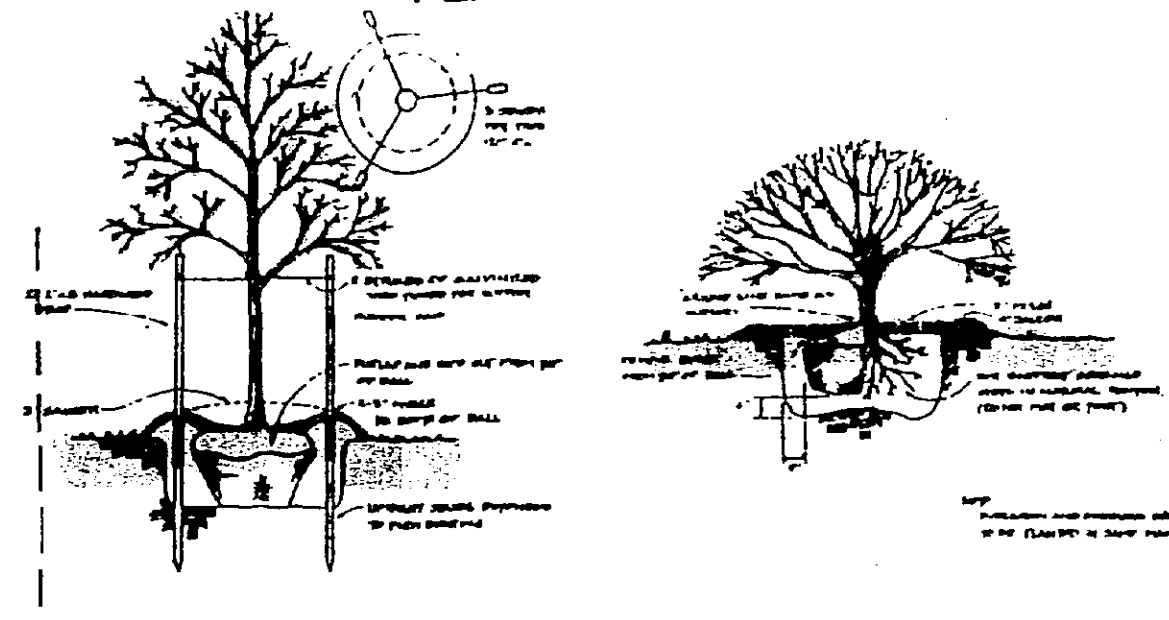
- 1) ZONING:
EXISTING- ML
PROPOSED- ML
- 2) LOT AREA: 1.35 AC. (NET), 2.24 AC. (GROSS)
- 3) EXISTING USE: INDOOR COMMERCIAL RECREATION FACILITY
- 4) PROPOSED USE: INDOOR COMMERCIAL RECREATION FACILITY
- 5) BUILDING AREA: 38,364 sq. ft.
- 6) BUILDING SETBACKS: REQUIRED PROVIDED
FRONT- 25' 39.73'
INTERIOR SIDE- 30' 105' +/-
REAR- 30' 30' +/-
STREET CORNER SIDE- N/A N/A
- 7) PARKING: SEE # 26
REQUIRED- 55 SPACES
PROVIDED- 60 SPACES
- 8) UTILITIES:
SEWER- PUBLIC (SEE NOTE 32)
WATER- PUBLIC
- 9) VARIANCES: TO SECTION 409 B A 4 TO ALLOW
PARKING SPACES 5 FEET FROM THE STREET
RIGHT-OF-WAY LINE IN LIEU OF THE REQUIRED
10 FEET
- 10) SPECIAL EXCEPTION/CONDITIONAL USE:
TO PERMIT VIDEO GAMES AS AN ACCESSORY USE IN
AN "ML" ZONE PURSUANT 423(C)

- 11) Election District: 8
- 12) Councilmanic District: 3
- 13) Census tract: 4085.03
- 14) Watershed: 11
- 15) Subwatershed: 33
- 16) Deed Reference: 423/537
- 17) Property Account No.: 16-00-010069
- 18) Tax Map 51, Grid 11, Parcel 96
- 19) Building Coverage: 38,364 sq. ft.
- 20) Floor Area: 38,364 sq. ft.
- 21) Floor Area Ratio (F.A.R.):
Max F.A.R. Permitted: 2.0
F.A.R. Proposed: 0.24
- 22) Height of Building: 1 story (40')
- 23) No. of Employees: 6 (maximum shift)
- 24) Hours of Operation: 10 a.m. to 11 p.m. Mon.-Thurs.
9 a.m. to 12 p.m. Fri.
10 a.m. to 10 p.m. Sat.
- 25) Mass Transit Adjustment: N/A
- 26) Parking Tabulations:
Required: (See floor plan layout for sq. ft. computations where applicable.)
• Golf Driving Range (3 tees) 1.5 spaces/tee = 5 spaces
• Putting Stations (8) 1.5 spaces/tee = 12 spaces
• Miniature Golf (18 tees) 1.5 spaces/tee = 27 spaces
• Office Space (350 sq. ft.) 1.5 spaces/1,000 sq. ft. = 1 space
• Arcade Area (2,500 sq. ft.) 1.5 spaces/1,000 sq. ft. = 4 spaces
• Total Required: 55 spaces
• Total Provided: 60 spaces
- 27) Average Daily Trips (ADT): N/A
- 28) No existing flood plains, streams, bodies of water or springs located on or adjacent to site.
- 29) No wetlands, critical areas, archeological sites, existing historic buildings or endangered species habitats on site.
- 30) This site does not contain hazardous materials to the best of our knowledge.
- 31) Any exist. fuel tanks will be pumped and removed under the supervision of personnel of the waste management section of D.E.P.M. prior to grading, if applicable. A permit is required for removal.
- 32) The sanitary sewer line is hooked into the Yorktowne Shopping Center (south side Halesworth Road), which in turn is tied into the public sanitary sewer line on York Road (near Cranbrook Lane).
- 33) Landscaping/Buffer: Landscaping will be provided within the area to be modified in accordance with Baltimore County Landscape Manual Standards for street trees and parking screening.
- 34) Amenity Open Space: N/A
- 35) Stormwater Management: SHALL BE IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL, CHAPTER 4, WHICH IS INCORPORATED BY REFERENCE INTO THE BALTIMORE COUNTY ZONING ORDINANCE, ARTICLE 21-101, SECTION 2-101.
- 36) All outdoor lighting will be directed away from the adjacent residential houses.
- 37) The proposed building will be designed and constructed in accordance with the M.F.P.A. 101 Life Safety Code.
- 38) Handicap Ramps to be provided where necessary.
- 39) Valuers: A valuer to R6 meeting has been requested.
- 40) Sign Notes: Sign locations noted on plan will conform with RCZ Section 419 (2) & (5).
- 41) All parking areas and travel aisles shall be paved with a durable and dustless surface and permanently striped.
- 42) Maximum Levels of Emission: Building will comply with all applicable codes and accepted standards relative to sound and other vibrations, dust, odor, gas, light and heat emission. No extraordinary emissions are anticipated.
- 43) Zoning History: Case number 64-71R (3-15-64) approved reclassification from R-6 to ML.
- 44) The site was initially approved as part of the Yorktowne Shopping Center (Plan).
- 45) Shaded area on plan is the only portion of the site proposed to be modified. The remainder of the site will be left in its existing condition.

NOTE: LOCATION OF EXISTING IMPROVEMENTS BASED UPON A PLAN PREPARED BY BONNETT & BRANDT (ENGINEERS) ON 5/31/72
DOUBLY TAKEN FROM AVAILABLE RECORDS



PLANTING DETAILS

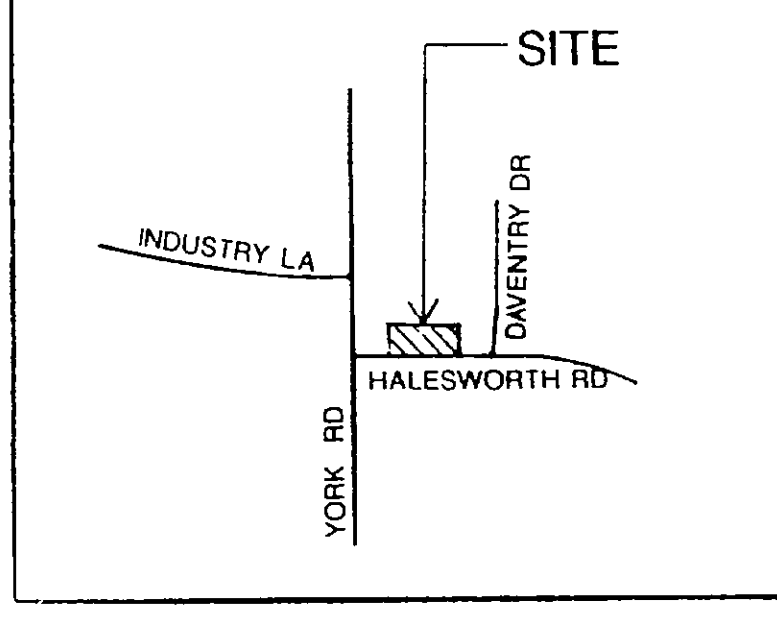


LEGEND

- CANOPY TREES
- SHRUBS
- GROUND COVER
- EXISTING ROCKS TO REMAIN

LANDSCAPE NOTES:

1. All plant materials shall be nursery grown and shall conform to American Association of Nurseries, Inc. standards.
2. All planting procedures and specifications shall conform to "Landscape Specification Guidelines for Baltimore-Washington Metro Area" (latest edition).
3. Contractor shall guarantee all plant materials for a period of one year after installation is completed and approved.
4. Contractor shall be responsible for any damage to utilities and may make adjustments in spacing and location of plant materials to avoid conflicts with utilities.
5. When specified plants are not available as determined by the contractor, substitutions may be made as directed by the engineer.
6. The information shown on this plan is for the convenience of those concerned only. The correctness or completeness of the information is not warranted or guaranteed. The contractor shall verify all information to his own satisfaction.



ZONED ML-CS-2

INDOOR COMMERCIAL RECREATIONAL FACILITY (FORMERLY YORKTOWN RACQUET CLUB) EXISTING BUILDING (38,364 SQ. FT.)

HALESWORTH ROAD

5-IC (4'O.C.)
10-JH (3'O.C.)

ZONED BR

VARIANCE REQUESTED (SEE # 9)

AREA TO BE MODIFIED
PER THIS PLAN
(SEE # 45)

PLANT SCHEDULE

S/N	No.	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION
1C	30	ILEX CORNUTA	GREENGAGE	2-3 1/2" CAL.	BAR
2C	30	ILEX CORNUTA	GREENGAGE	24-30"	BAR
3C	30	ILEX CORNUTA	GREENGAGE	24-30"	BAR
4C	30	ILEX CORNUTA	GREENGAGE	24-30"	BAR
5C	30	ILEX CORNUTA	GREENGAGE	24-30"	BAR
6C	30	ILEX CORNUTA	GREENGAGE	24-30"	BAR
7C	30	ILEX CORNUTA	GREENGAGE	24-30"	BAR
8C	30	ILEX CORNUTA	GREENGAGE	24-30"	BAR
9C	30	ILEX CORNUTA	GREENGAGE	24-30"	BAR
10C	30	ILEX CORNUTA	GREENGAGE	24-30"	BAR

LANDSCAPE PLAN

FOR
10 HALESWORTH ROAD

BALTIMORE COUNTY, MD DATE: 10/15/1990

**PETITIONER'S
EXHIBIT 8**

PREPARED BY:
WILLIAM P. MONK, INC.
LAND USE PLANNING - ZONING - ENVIRONMENTAL
CAMPBELL BUILDING
SUITE 300
1000 PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 484-8831

PREPARED FOR:
MR. DAVID SHAPIRO
10111 YORK ROAD
COCKEYSVILLE, MD 21030

PRELIMINARY SITE PLAN

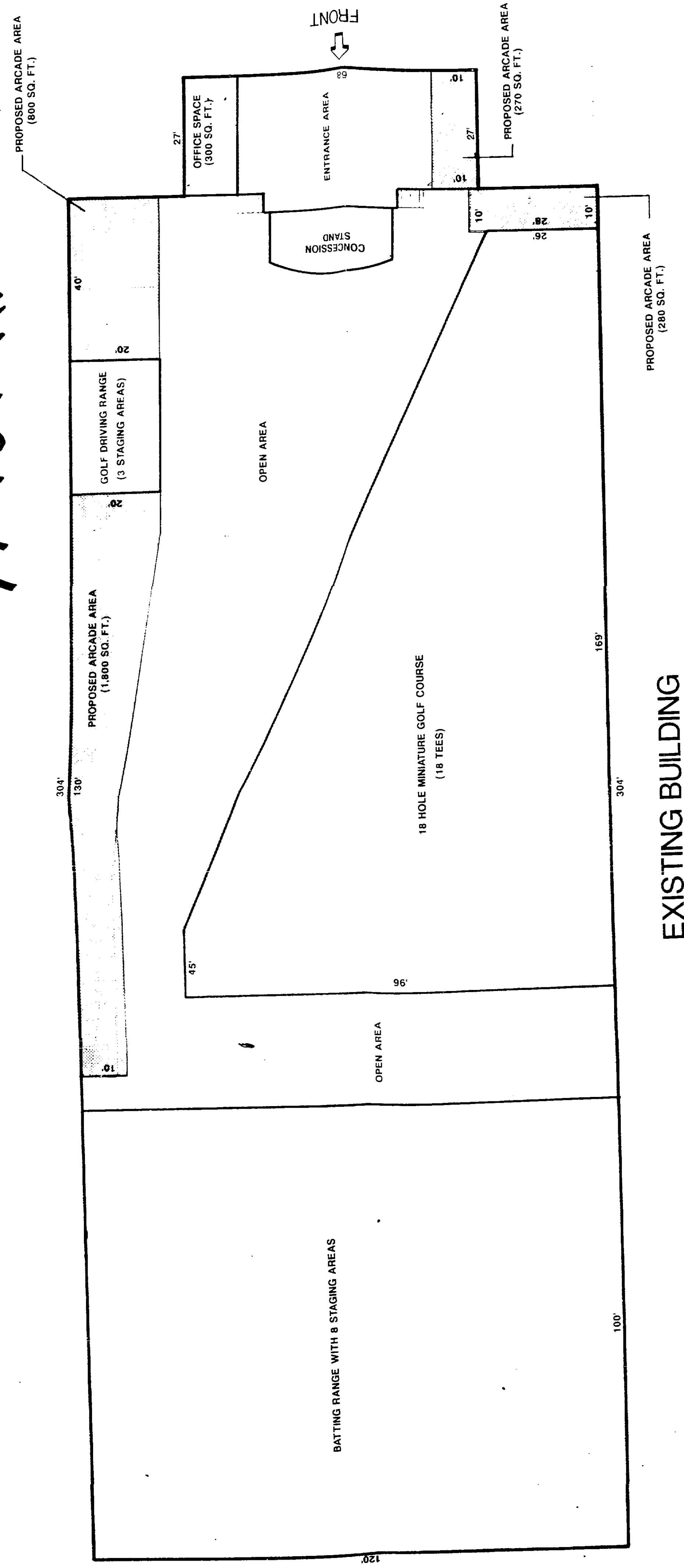
"SPORTS" INDOOR COMMERCIAL RECREATIONAL FACILITY
10 HALESWORTH ROAD
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 30'
DRAWN BY: DFB
DATE: 9/17/90
REVISED: 9/21/90

FLOOR PLAN LAYOUT "SPORTS" COMMERCIAL RECREATIONAL FACILITY (ONE STORY ONLY)

SCALE: 1" = 16'
DATE: 9/20/1990

91-187-XA



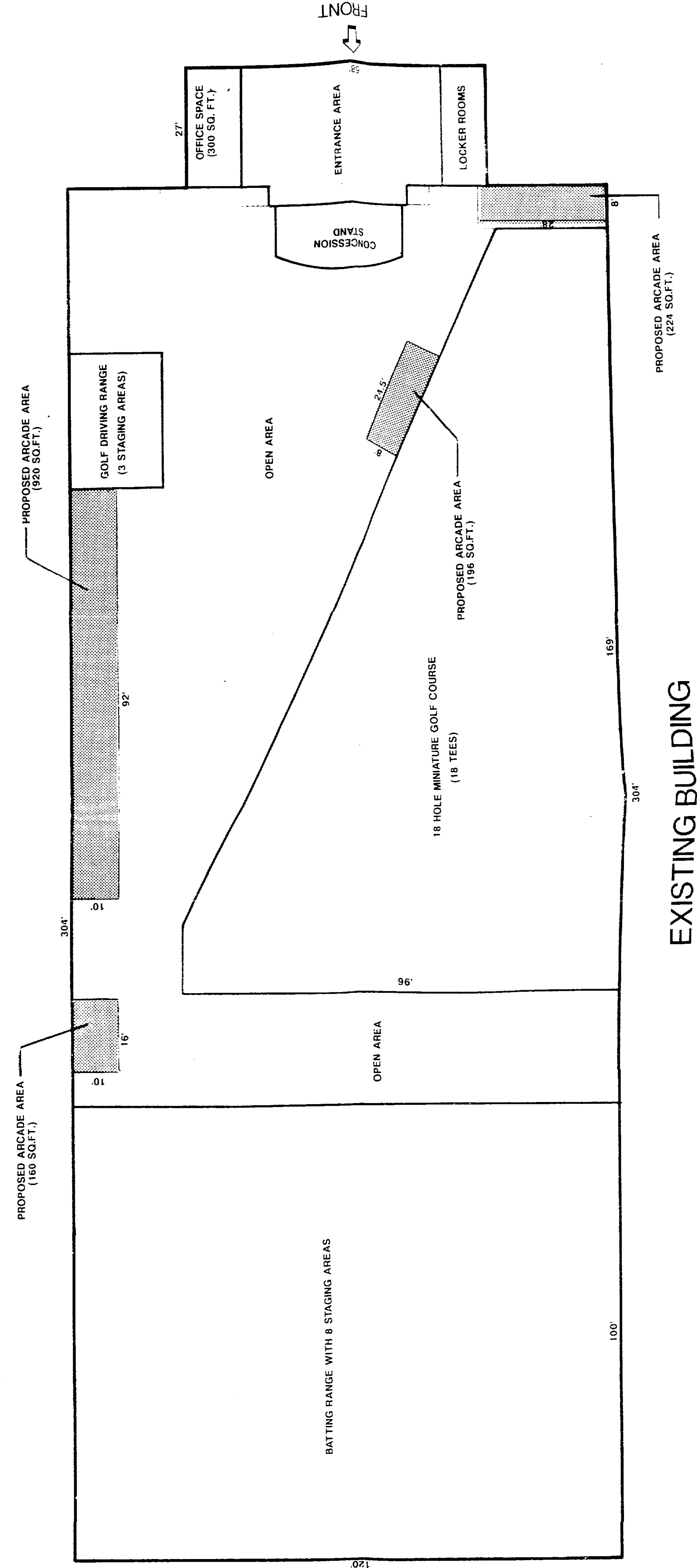
EXISTING BUILDING

PREPARED BY:
WILLIAM MONK, INC.
LAND USE PLANNING/ ENVIRONMENTAL/ ZONING
CAMPELL BUILDING, SUITE 305
100 W. PENNSYLVANIA AVE
TOWSON, MD 21204

FLOOR PLAN LAYOUT "SPORTS" COMMERCIAL RECREATIONAL FACILITY (ONE STORY ONLY)

SCALE: 1" = 16'
DATE: 10/15/1990
REV: 1/13/1991

TOTAL AREA DEVOTED TO ARCADES = 1,500 SQ.FT.



EXISTING BUILDING

PREPARED BY:
WILLIAM MONK, INC.
LAND USE PLANNING/ ENVIRONMENTAL/ ZONING
CAMPELL BUILDING, SUITE 305
100 W. PENNSYLVANIA AVE
TOWSON, MD 21204

PETITIONER'S
EXHIBIT 17
91-187XA



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

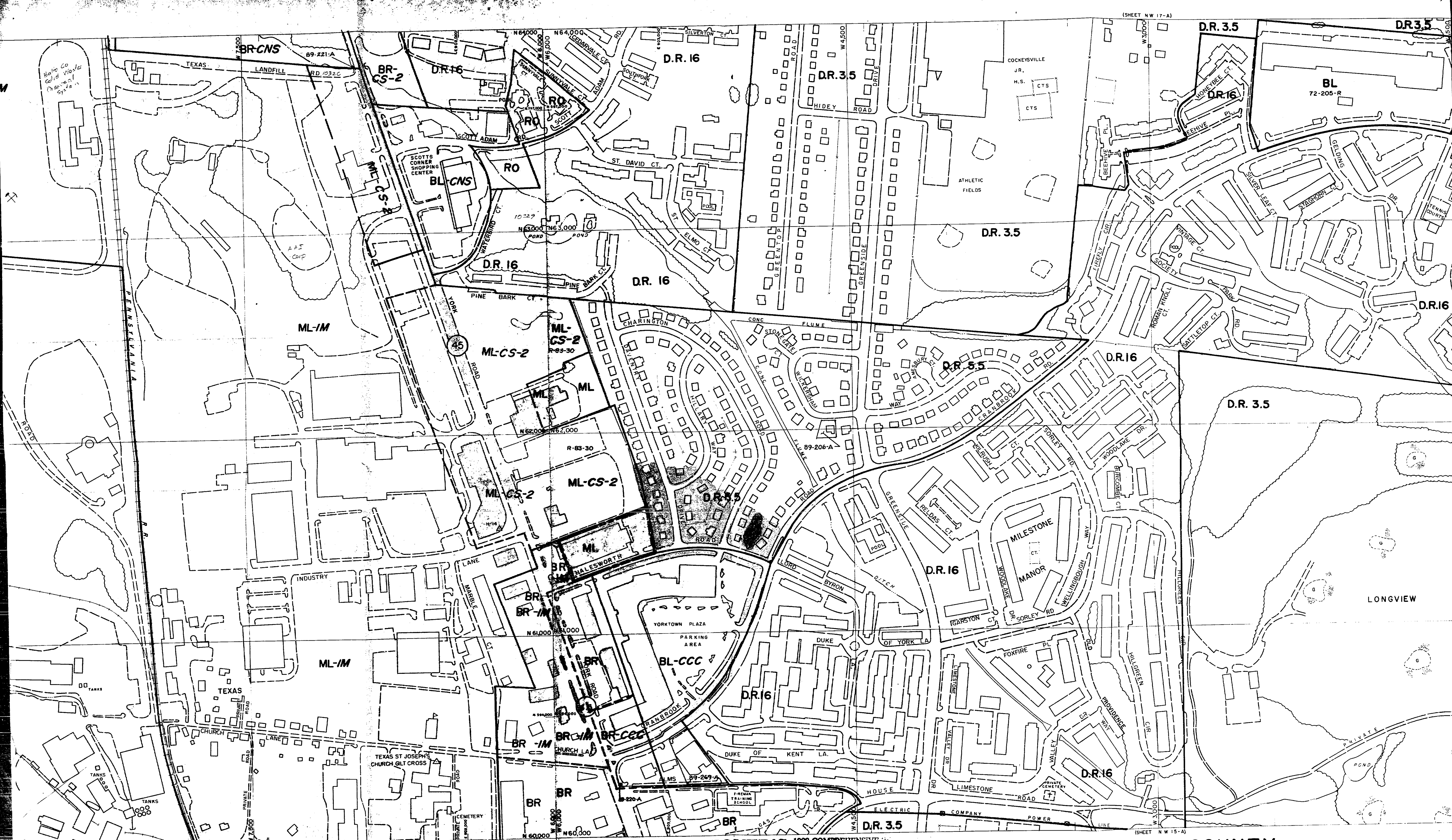
PETITIONER'S
EXHIBIT 2

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
TEXAS

SHEET
N.W.
16-A

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP	SCALE 1" = 200'	LOCATION TEXAS	SHEET 16-B
	DATE OF PHOTOGRAPHY JANUARY 1986		

PETITIONER'S EXHIBIT 3

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
DR. Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

De. J. B.
Baltimore County Council

REVISED PLANS
PETITION FOR ZONING VARIANCE 138
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: RECEIVED OCT 7 1990

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 402.9.A (4) to allow parking spaces 5 feet from the street right-of-way line in lieu of the required 10 feet.

91-187-XA

The building presently exists and is located only 39.73 feet from the Halesworth Road right-of-way line. There is not sufficient area to accommodate a single row of parking, a one-way travel aisle and required 10 foot landscape area.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Lessee: Sports Development Corp.
David Shapiro, President
(Type or Print Name)

Signature

10 Halesworth Road
Address

Cockeysville, MD 21030
City and State

Attorney for Petitioner:

Edwin Shapiro
(Type or Print Name)

Signature

28 Allegheny Avenue, Suite 701
Address

Towson, Maryland 21204
City and State

Attorney's Telephone No.: 301-828-7090
Phone No.

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

William P. Monk
Name

100 W. Pennsylvania Avenue, Suite 305
Address

Towson, MD 21204
City and State

301-694-8831
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 16 day

of 1990, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 16 day of January, 1991, at 10:30 o'clock

A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: 1-3-91

Sports Development Corporation
10 Halesworth Road
Cockeysville, Maryland 21030

RE:
Petition for Special Exception and Zoning Variance
CASE NUMBER: 91-187-XA
N/S Halesworth Road, 150' E centerline York Road
(400 Halesworth Road s/w/a 10111 York Road)
8th Election District - 3rd Councilmanic
Legal Owner: Julius Mandel
Lessee: Sports Development Corp.
HEARING: WEDNESDAY, JANUARY 16, 1991 at 10:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 131.93 is due for advertising and posting of the above captioned property. THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SIGN(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SIGN(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post sign(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

cc: Edwin Shapiro, Esq.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 3511

Date

12-25-90

HP10 138

PUBLIC HEARING FEES

1 X \$175.00

1 X \$175.00

TOTAL: \$350.00

LAST NAME OF OWNER: SHAPIRO

04A04H0069MICHRC
\$4 C00127AMD7-25-90 \$350.00

Cashier Validation

Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th

Date of Posting: 12/31/90

Posted for: Sports Development Corporation

Petitioner: Julius Mandel, Esq.

Location of property: N/S Halesworth Rd., 150' E York Rd.

Location of Sign: Halesworth Rd., approx. 15' from road way

Remarks:

Posted by: J. Robert Haines

Number of Signs: 2

Date of return: 1/4/91

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 3, 1991

Edwin Shapiro, Esquire
28 Allegheny Avenue, Suite 701
Towson, MD 21204

RE: Item No. 138, Case No. 91-187-XA
Petitioner: Julius Mandel, et al
Petition for Zoning Variance

Dear Mr. Shapiro:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI, IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Julius Mandel
Mr. David Shapiro

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12-20, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12-13, 1990

THE JEFFERSONIAN,

S. Zebe Olson
Publisher

\$ 81.93

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12-20, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12-12, 1990

TOWSON TIMES,

S. Zebe Olson
Publisher

\$ 81.93

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

HP100277

PUBLIC HEARING FEES

1 X \$75.00

1 X \$75.00

TOTAL: \$150.00

LAST NAME OF OWNER: SHAPIRO

Mandel

Please make checks payable to: Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 3, 1991

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Petitioner: Julius Mandel, et al
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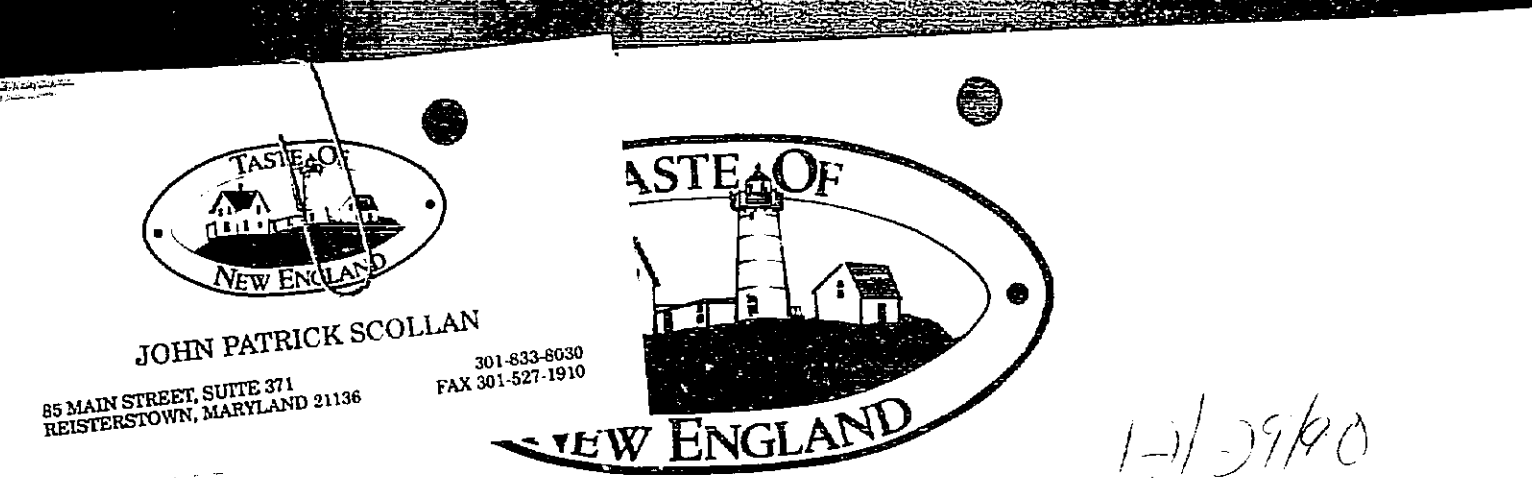
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Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Julius Mandel
Mr. David Shapiro



DEAR DAVID

FIRST, LET ME CONGRATULATE YOU ON AN EXCEPTIONAL LEISURE DEVELOPMENT. YOU HAVE PLANNED A WONDERFUL PLACE FOR FAMILIES AND CHILDREN TO SPEND FREE TIME.

MY TWO GIRLS AGES 5 AND 10 CAN'T WAIT TO GET TO SPORTS WHICH HAS BEEN QUITE FREQUENTLY.

YOUR FACILITY IS ALWAYS CLEAN, SAFE, WELL-MAINTAINED AND YOUR STAFF ARE VERY COURTEOUS.

85 Main Street, Suite 371 • Reisterstown, Maryland • 21136 • (301) 833-8030



January 14, 1991

TO WHOM IT MAY CONCERN:

I am writing on behalf of the Sports facility at 10 Halesworth Road in their request for a variance on their parking lot and street parking. I am the pastor of the Epworth United Methodist Church in Cockeysville and a resident who lives just behind the Sports facility.

As a pastor I know the importance of places for family entertainment and I take my two boys up there quite frequently. As a pastor providing a community service I am also aware of the need for parking in this community where so many people have to drive in order to get where they have to go. In order for Sports to continue to attract the families, they will need more parking and I understand that if they get the variance they will be able to provide more parking off the street.

Since I live just around the corner from Sports, I know that they are very busy. I am very happy to see this but since they have to park on the street, it creates a bit of a traffic jam and congestion along Halesworth on which I have to drive to get home. If you can allow the variance so that I can drive home a little easier and to be able to see around the corner when I leave Davenport on business it will be a great help.

I know that the responsibilities you face making these kinds of decisions must take into account a lot of information. I am writing to help make the decision a little easier. I hope this has been helpful in that endeavor. Thank you very much for the importance you place on each and every decision.

Sincerely yours,
Jeffrey W. Jones
Jeffrey W. Jones, Pastor

JWJ/c

HELLMAN & REDMOND

ATTORNEYS AT LAW
405 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (301) 825-1059
FAX (301) 828-4120

STANLEY H. HELLMAN
PAUL J. REDMOND
RICHARD V. LYNAS

January 15, 1991

OF COUNSEL
DEBORAH C. DOPKIN

J. Robert Haines, Esquire
Zoning Commissioner for Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 91-181 XA
10 Halesworth Road

Dear Mr. Haines:

I represent Julius and Tony Mandel, owners of 10 Halesworth Road, with respect to the above captioned zoning petition.

This letter is to authorize David Shapiro and Sports Development Corporation, tenant of the premises, to appear and testify regarding the matters before you contained in a Petition for Special Exception and Zoning Variance.

Sincerely,

Deborah C. Dopkin
Deborah C. Dopkin,
Attorney for Julius & Tony Mandel

cc: Julius and Tony Mandel

LETJRMANDEL.ZON

RECEIVED
JAN 16 1991

ZONING OFFICE

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

December 14, 1990

Commissioner J. Robert Haines
Zoning Commissioner for Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: 10 Halesworth Road, Cockeysville, Maryland
Case #91-187-XA, Item #138

Dear Commissioner Haines:

On behalf of my client, Sports, Inc., the applicant in the above-referenced case scheduled to be heard on January 16, 1991, we wish to submit into the record a number of letters of support from residents in the neighborhood. My client has been working and talking to the neighbors since the opening of his facility this past fall. Additionally, the Springdale Community Association, which is the most directly impacted community organization, wrote a little article in their community newsletter urging their members to utilize the facility and supports it as a family recreational indoor sports and amusement operation. A copy of the article is enclosed, as well.

As a continued showing of good faith by Sports, Inc., they replaced the existing wood stockade fence which separated his existing parking facility from three single-family residences immediately to the east. The new fence, which is 6' tall and supported by steel columns in the ground, "shows its best face" to these residences and provides a visual buffer, as well.

Cordially,

William P. Monk
William P. Monk

WPM/jg
Enclosures
cc: Sports, Inc.

RECEIVED
DEC 17 1990

ZONING OFFICE

A(WPM-6):WP51\HAINES-LTR

LAW OFFICES
OF
ANELLO and TEMPLE
LAW BUILDING
1334 SULPHUR SPRING ROAD
P.O. BOX 18280
BALTIMORE, MARYLAND 21227

SALVATORE E. ANELLO, III
JAMES J. TEMPLE, JR.
ROBERT LIDSTON
T. AUSTIN MURPHY

DEBORAH A. KELLNER
PATRICIA A. HERRING
Legal Assistants

December 5, 1990

David R. Shapiro
10 Halesworth Road
Cockeysville, MD 21030

Dear Mr. Shapiro:

As a resident of Monterey, the community immediately adjacent to Sports and a father of an eight-year-old boy, I want to say a few things about your facility. I have lived in the area since 1978 and knew your building first as a tennis barn, later as a facility for indoor lacrosse, and still later as an indoor soccer and softball arena. I met you when you first purchased the building and watched your development of the facility with interest. I am a frequent visitor to the complex, usually with my son and one of his friends. These visits give me the excuse to use the batting cages.

With all this above, I have come to the conclusion that your use of the property is the best that I have seen. Even on weekends, I have encountered no real problems with parking or traffic. Passing the facility late on weekend nights, I have noticed that you have made good on your pledge to keep unsupervised youths from loitering on the property. Within your building, I find you constantly present and actively supervising your operation. The building is fastidiously clean inside and I have witnessed you and your staff regularly enforcing house rules on conduct and language. I have heard no comments from my neighbors which contradict any of the above.

I did not set out to write you a fan letter. Living in the community and having a son who is very much attracted to what you offer, however, has given me more than a casual interest in your business. That interest has caused me to see a lot which is positive. I just thought you might like hearing some of those positives.

Sincerely,

Robert Lidston
ROBERT LIDSTON

RL:dms

LOYOLA
BLAKEFIELD
P. O. BOX 6819
TOWSON, MARYLAND 21285-6819

November 26, 1990

Sports, Cockeysville
#10 Halesworth Road
Cockeysville, Md. 21030

Dear Friend of Loyola,

The Mothers' Club of Loyola High School would like to thank you for your donation of 2 passes and a T-shirt to our annual fundraising event. Your support and generosity has made this event a successful one. Thank you again.

Gratefully,

Rosemary Chang
Rosemary Chang
1027 Kenilworth Drive
Baltimore, Maryland 21204
Chairperson, 1990 Blakefield Auction

P.O. BOX 194
COCKEYSVILLE
MARYLAND 21030



DECEMBER 1990
VOLUME 16
NUMBER 14

COMMUNITY ASSOCIATION

PRESIDENT'S CORNER

It's really hard to believe that the holidays are upon us. As in the past, community activities will include a door decoration contest, lamp posts with bows and garland, a visit from Santa via the Cockeysville Volunteer Fire Department and the Christmas luminary and bonfire on December 16.

While it is a very festive time of the year, I encourage you to keep things in perspective. Please be careful to minimize any fire hazards in your home, especially with lights on your tree.

Also drive carefully, especially when alcohol has been consumed. Watch out for the children--they'll be everywhere. Last, please remember the G.I.'s in Saudi Arabia who cannot be home for the holidays.

On behalf of the members of the Board of Directors of the Springdale Community Association, I wish everyone in Springdale a very happy holiday and a Joyous healthy New Year!

Bill Peters
President

Happy  Holidays

Page 2

Springdale News


Volume 16

Number 14

SPRINGDALE CHRISTMAS CATALOG

While this issue of the community newsletter may not exactly resemble the plastic Bean or Lands End catalogues, you can do some of your holiday shopping by reviewing our advertisers and avoiding the frenzied pace of arena malls. For example, Cranbrook Liquors will custom design gift baskets for holiday gift giving filled with a selection of wines, spirits, gourmet items, glassware, cheeses or nuts. At nearby Cranbrook Video, you can purchase a favorite video for a gift or buy a coupon book to place in someone's Christmas stocking. A great gift idea for the chocolate on your list (and/or teachers, bus drivers, sitters, etc.) is a home made item from Donna Shuey. What to get the person who has everything? Consider a gift certificate for Flying Instructions from Patrick Connolly or a gift certificate from Michael Davis for a family portrait (always cherished by parents and grandparents). Ideas for gifts for the home is a specialty of Ann Shanks, while Keith Von Eron's shop offers gifts (and gift certificates) for the sports

(301) 323-5400
FAX (301) 323-0015



Calvert
Plumbing & Heating Co., Inc.

JOHN C. SMYTH
President

5806 YORK ROAD
BALTIMORE, MD 21212



O'CONNOR
PIPER & FLYNN

Mary Lou Multiquist
Life Member

Real Estate Million Dollar Assoc. Ltd.
10007 Falls Road
Greenleaf Village, Suite 300
Lutherville, Maryland 21093
Office (301) 821-1700
Residence (301) 867-6147

activities. A great stocking stuffer suggestion for Warren students is the ski cap spelling "Warren" and in school colors of red and black. Country Pleasures, a newly-opened store in the Cranbrook Shopping Center offers all your holiday gift wrapping needs, as well as cards, decorations, gifts and beautiful gift baskets for the holidays and other occasions.

During the winter school vacation, remember SPORTS. If you and your children haven't experienced the fun, this is perfect opportunity. Sports offers an indoor batting range, indoor miniature golf, indoor driving range, skeeball and game arcade and a concession stand. Ask about the party area--a popular spot with the school-age crowd for birthday parties.

This issue of the Springdale Community Association newsletter features many new advertisers: Sports; Keith Van Eron's Pro Sporting Goods, Inc. (Keith is a Springdale resident); Cranbrook Video; Country Pleasures Cards, Gifts and Baskets; Trans Design (Ann Shanks is a Springdale resident); Skylight Family Photography (owner Michael Davis is a Springdale resident); Calvert Plumbing and Heating (President is Springdale neighbor John Smyth); Greenleaf Psychological Associates (President is Springdale resident Steve Curran); Patrick Connolly is also a neighbor advertising flying lessons, and the Classified this month features home-made chocolate items for sale--cooked up by neighbor Donna Shuey.

Other neighbors (or former neighbors) who are regular advertisers are: Mary Kraft (Mary Kraft and Associates); Susan Prager (Tried But True); Carl Brand (Dulane Lincoln-Mercury); Paul Gerkens (Home Improvements); James Pecunes (O'Connor, Piper and Flynn); and Anne Warfel (Towson Alarm Service).

Thank you for advertising in the Springdale Community newsletter. It's not only good for business when you support our advertisers, but in many cases it's neighborly as well.

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

April 30, 1990

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Proposed Indoor Commercial Recreation Facility
10111 York Road, Cockeysville, MD
(Formerly known as Yorktown Racquet Club)

Dear Commissioner Haines:

On behalf of my client, Mr. David Shapiro, I'm requesting verification by your office that his proposed reuse of the former Yorktown Racquet Club is permitted by right and that only necessary occupancy permits and compliance with all BOCA code and other Baltimore County regulations, including zoning, is necessary in order to obtain a use and occupancy permit. The facts in the matter are noted as follows:

1. The subject property is zoned ML. (See Exhibit 1)
2. The proposed use is an indoor commercial recreation facility consisting of the following:
An eighteen hole miniature golf course, four driving stations for individuals hitting golf balls into a net, a batting range consisting of four softball and five baseball hitting areas for a total of nine individuals at any one time and a video arcade area comprising approximately 1,500 square feet and containing sports related video games and amusement devices.
3. A brief history for the property is necessary to fully evaluate this request.
 - A. The subject property was rezoned per two reclassification cases from the R-6 zoning district to the ML zoning district. Case 64-71R and 65-96R.
 - B. This site, which is located on the north side of Halesworth Road, approximately 150 feet east of the intersection of Halesworth Road and York Road, was part

91-187-XA

138

CAMPBELL BUILDING
100 W. PENNSYLVANIA AVENUE
Suite 305
TOWSON, MD 21204
301-494-8931

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: January 22, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Mandel Property, Item No. 138
REVISED COMMENT

Staff met with Mr. William P. Monk in reference to the landscape aspect of the subject development.

The applicant proposes six deciduous trees, 30 dwarf Chinese hollies, and associated ground cover.

Staff finds the landscape treatment acceptable provided that all planting is consistent with Exhibit #8.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM138.REV/ZAC1

RECEIVED
JAN 22 1991
ZONING OFFICE

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS
FRANK WORKMAN 10132 Davenport Dr. 21030
Monterey Improvement Assoc

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
Bill Monk 10001 PENNSYLVANIA AVE
TOWSON MD 21204
Edwin Shapiro 28 GLENNY AVE
Baltimore MD 21204
Barry Shapiro Same
David R. Shapiro 12135 Woodside Ct. 21117
Randy R. Shapiro 10422 DUNSTON DRIVE 21030



HELLMAN & REDMOND
ATTORNEYS-AT-LAW
405 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (301) 925-1099
FAX (301) 925-4150

STANLEY H. HELLMAN
PAUL J. REDMOND
RICHARD V. LYNAS

January 15, 1991

OF COUNSEL
DEBORAH C. DOPKIN

J. Robert Haines, Esquire
Zoning Commissioner for Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

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Sincerely,

Deborah C. Dopkin
Deborah C. Dopkin,
Attorney for Julius & Tony Mandel

cc: Julius and Tony Mandel

**PETITIONER'S
EXHIBIT 1**

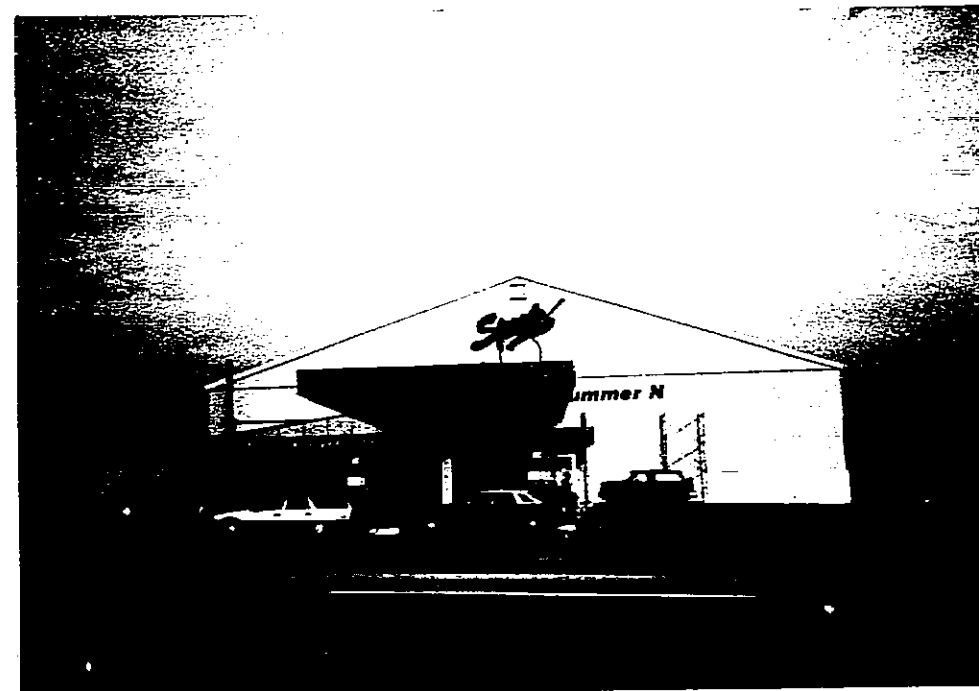
91-187XA

LET/WMANDEL:ZON

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

ADJACENT LAND USE: YORK ROAD



**PETITIONER'S
EXHIBIT 4**
91-187XA

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

ADJACENT LAND USE: NORTH SIDE



**PETITIONER'S
EXHIBIT 5**
91-187XA

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

ADJACENT LAND USE: EAST SIDE



**PETITIONER'S
EXHIBIT 6**
91-187XA

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

ADJACENT LAND USE: SOUTH SIDE OF HALESWORTH



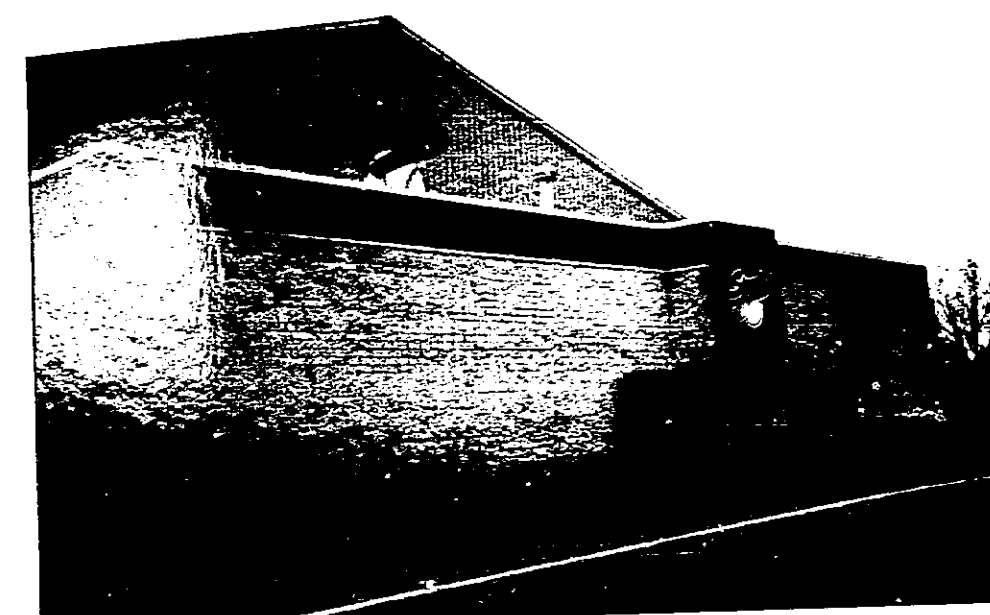
91-187XA

**PETITIONER'S
EXHIBIT 7**

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

SPORTS INC.



**PETITIONER'S
EXHIBIT 9**

91-187XA

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

EXISTING BOULDERS TO BE RETAINED AS LANDSCAPING ELEMENT



**PETITIONER'S
EXHIBIT 10**

91-187XA

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



VIEW FROM PARKING LOT

LOOKING SOUTH

**PETITIONER'S
EXHIBIT 11**

VIEW LOOKING EAST

ON HALESWORTH ROAD